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TO : CHIEF, HISTORICAL REVIEW GROUP
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PERSONS OVERSEAS
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12 January 1994

MEMORANDUM FOR: Chief, Historical Review Group

FROM: Robert J. Eatinger, Jr.
Assistant General Counsel
Litigation Division, OGC

SUBJECT: MHCHAOS Material Concerning Activities of U.S.
Persons Overseas

1. This memorandum responds to Frank Most's request for guidance on how to process certain MHCHAOS material. Specifically, I was asked whether the standards for processing the MHCHAOS documents that I provided in my 8 May 1993 memorandum to you would change if the MHCHAOS reporting was of the activities of U.S. persons in foreign countries. The standards do not differ if the reporting was of the U.S. person's activities overseas.

2. The authority of the Central Intelligence Agency to collect information on U.S. persons is based on the rationale for the collection, not the location of the U.S. person. While the foreign activities, as opposed to domestic activities, of U.S. persons are more likely to be of a foreign intelligence or counterintelligence interest, it does not mean all foreign activities may be collected. Additionally, the fact the activities of a U.S. person take place overseas does not, by itself, remove the U.S. person's privacy interests.

3. I recommend that you treat MHCHAOS reporting of a U.S. person's activities in a foreign country in the same manner as you treat MHCHAOS reporting of a U.S. person's activities in the United States.


Robert J. Eatinger, Jr.

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